

OA/OS Alert

September 11, 2003 Confidential – For Internal Use Only

NCD ALERT

TO: Leslie Norwalk
Acting Deputy Administrator

FROM: Sean Tunis
Director, Office of Clinical Standards and Quality

SUBJECT: **CONFIDENTIAL INFORMATION** – To be published October 1, 2003,
National Coverage Determination (NCD) for Urine Culture Bacterial (Re-
evaluation of Inclusion of Renal Failure in the List of ICD-9-CM Covered
Codes) --**ALERT**

Confidential Information – The release of national Medicare policy decisions prior to official posting and release raises questions concerning potential stock market manipulation.

Brief Description: The bacterial urine culture national coverage determination (NCD) became effective November 25, 2002. The NCD was part of the negotiated rulemaking effort for coverage and administrative policies for clinical diagnostic laboratory services. These NCDs were developed down to a specific code level.

The current NCD for bacterial urine culture includes the following ICD-9-CM diagnosis codes in the list of Codes Covered by Medicare:

584.5 Acute renal failure, with lesion of tubular necrosis
584.9 Acute renal failure, unspecified
585 Chronic renal failure
586 Renal failure, unspecified

We have taken the position that the list of ICD-9-CM Codes Covered by Medicare is intended to contain only those codes that flow from the narrative of the indications in the NCD. The only indication in the narrative of the bacterial urine culture NCD that we find may support the inclusion of renal failure in the list of covered codes is the indication for patients about to undergo renal transplantation. Renal transplantation would only occur on patients with chronic renal failure. Consequently, we intend to issue an NCD to remove ICD-9-CM codes 584.5, 584.9 and 586 from the list of ICD-9-CM codes covered by Medicare.

Impact Statement: We do not anticipate any costs to the program associated with this revision of the NCD as it reduces current coverage. There is no known or anticipated impact of any disproportionately affected populations.

Anticipated Reactions: We do not expect that many patients with acute and unspecified renal failure alone have been receiving urine culture tests. Therefore, we do not expect any significant reaction to this change.

Option 1: OCSQ to proceed with posting COB on **October 1, 2003.**

Prepare the following press materials:

Press Q's and A's _____ Press Release _____ Press Conference _____

Option 2: Schedule Administrator's briefing and forward the following materials:

NCD Alert _____ Press Q's and A's _____ Press Release _____ Press Conference _____

Option 3: Notify the Office of the Secretary and forward the following materials:

NCD Alert _____ Press Q's and A's _____ Press Release _____ Press Conference _____

Recommendation:

OCSQ recommends that the Administrator approve Option 1.

(Signature)

(Date)